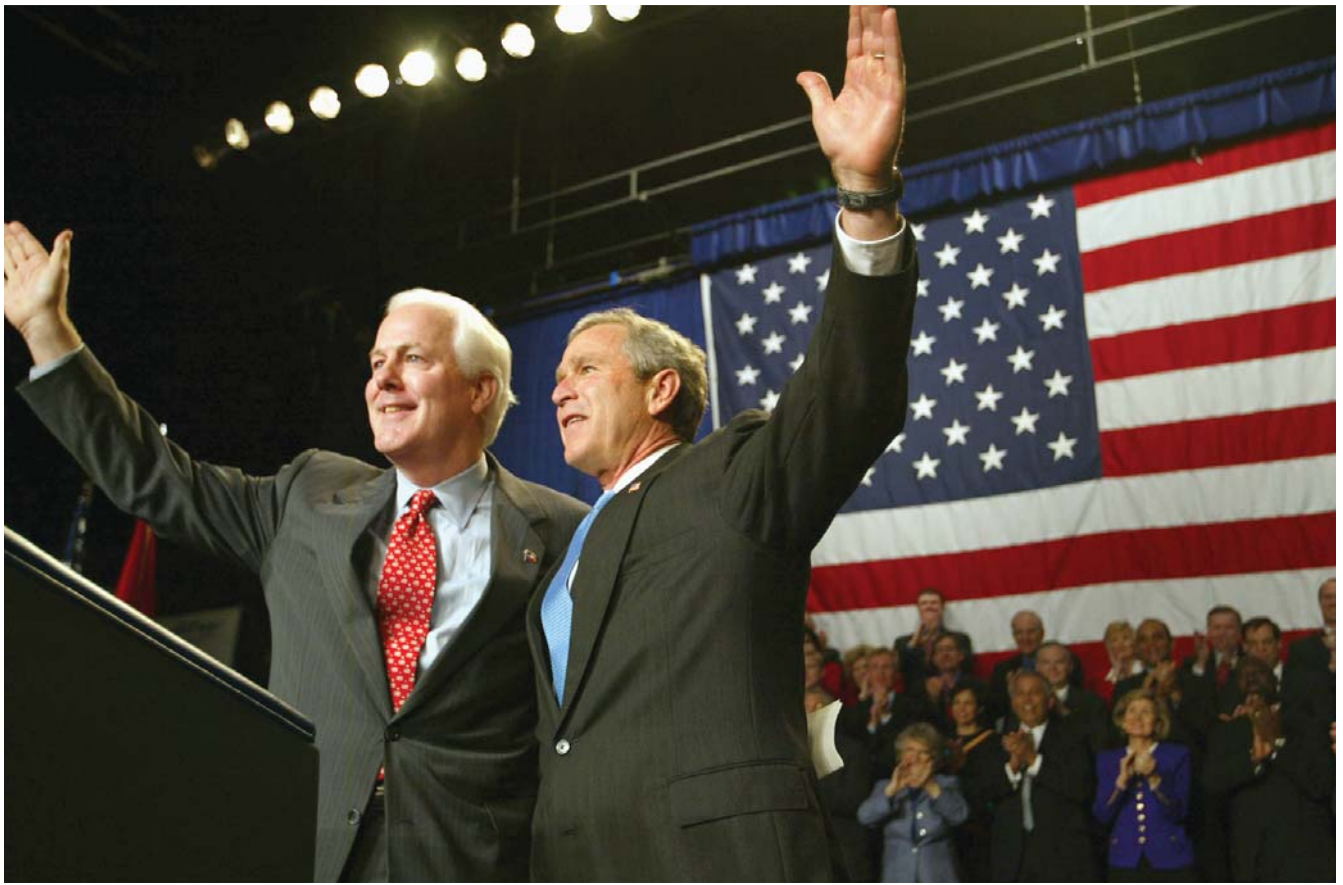




# Team Texas

Led by the hands-on Supreme Court of Texas and unwavering support from its elected officials in Washington, a state known for producing great leaders has mobilized an all-star team of judges, lawmakers, and influential lawyers to set a national example of how to expand access to the justice system.

by Eric Kleiman



**W**hen word spread in 2003 of a looming budget crisis facing Texas, Betty Balli Torres of the Texas Equal Access to Justice Foundation (TEAJF) was not alone in wondering what it would mean for the state's legal services providers. Governor Rick Perry and the state legislature were mulling a range of spending cuts to cope with a projected two-year budget shortfall of \$10 billion.

Even popular programs in the areas of public education and children's health were on the chopping blocks.

It was under those difficult circumstances that an appropriations hearing was held in Austin, where concerned citizens, public officials, and lobbyists waited for hours in a cramped hearing room for a chance to weigh in on the state's spending priorities. Among those testifying that day was the most influential jurist in the state, then-

Chief Justice Thomas Phillips. During his testimony, a committee member raised the possibility of using \$4 million in annual revenue generated by filing fees to fund the administration of the courts—money earmarked for the Equal Access to Justice Foundation, which funds legal services for the poor.

"It was roundly rejected by the Court under Chief Justice Phillips," recalls Justice Harriet O'Neill, who serves as the Court's official liaison to the legal services community. "He basically said we'll make whatever cuts we need to make to the courts' budget. Just don't touch that money."

Throughout the day's hearing and over the course of the remainder of the legislative session, the Texas Supreme Court, the Equal Access to Justice Foundation, the State Bar of Texas, and the Texas Access to Justice Commission continued educating state lawmakers on the precarious situation facing legal aid. They eloquently addressed why a reduction in funding was untenable: Legal aid programs

**OPPOSITE:** Justice Harriet O'Neill is the Court's official legal services liaison while Chief Justice Wallace B. Jefferson talks about expanding access at every chance. Low-income Texans are in good hands. **ABOVE:** President Bush and Senator John Cornyn have both supported federally funded legal services. Bush credits LSC with advancing "the ideals that make our country strong," while Cornyn supported a \$13.6 million boost in FY05.





Senator Kay Bailey Hutchison says the pro bono work she performed as a University of Texas law student, as well as her indigent defense work in private practice, predisposed her to support legal services. With LSC refocused on providing core services, she feels it deserves broad GOP support.

were already operating at subsistence levels, thousands of eligible poor people were already being turned away due to lack of resources, and the legislature had not designated a state appropriation for civil access to justice efforts.

Supporters went on to explain that federal funding was waning even as new census figures showed a tremendous increase in the number of low-income Texans eligible for legal assistance. At last count, more

than 3.7 million residents qualified, but fewer than one in four could get the help for which they were eligible. In short, legislators were told, more resources were urgently needed for legal aid providers; cuts would do irreparable harm to Texas advocates working to expand access to the justice system.

Torres recalls celebrating doubly hard when the legislative session was finally over. Not only was legal services funding not cut by the Appropriations Committee that session, the legislature unexpectedly approved a new *pro hoc vice* fee on out-of-state lawyer filings to raise additional capital for equal justice efforts. "Not only didn't they touch us, we actually got more money," says Torres, still flabbergasted. "I don't know of a single other program that came out of that session with more money than it had going in. At a time when everyone was being cut, we were given an increase that came out to almost \$400,000 per year."

Torres says credit for the victory goes to Team Texas. "Our successes here have all been collaborative efforts," she says. "It's everyone cooperating and working together: the Access to Justice Commission, the Supreme Court, legal services providers, the State Bar, and our pro bono attorneys. We are all working together to expand access, to create relationships with lawmakers. Republicans are in power in Texas, and it makes a world of difference when members of our Supreme Court take the time to testify at our funding hearing. Leaders of that stature waiting in line to speak out on our behalf has a huge impact."

## TEAM EFFORT

In 2000, the Supreme Court of Texas convened an official hearing on the state of legal services to coincide with a visit by the Legal Services Corporation Board of Directors. Since that unprecedented judicial event, the Lonestar State has formulated an access to justice blueprint that has become a model for other states eager to replicate Texas' success.

Former Justice Debra Hankinson, the Dallas-based attorney who organized the pivotal hearing in 2000, has since become something of an access to justice missionary, visiting legal services leaders in a number of states to spread word of Texas' winning formula. "You have to invest in something—in relationships, in sustained efforts—and that doesn't happen overnight," Hankinson

**"We're exporting Texas' approach. It works, why not share? We've done a special program for the Deep South Coalition of Mississippi, Alabama, and Arkansas. We've worked with Georgia. We've done a phone conference with West Virginia. It's true we get called a lot, so much that we now have packets we provide to other states."**

—ATJ Missionary Worker Debra Hankinson



★ “The endowment was designed to provide long-term monies that can be utilized in the down times—and we seem to be experiencing a lot of those lately—so programs don’t have to reduce staff or cut services. I set our goal at \$15 to \$20 million over five years, which may be overly ambitious, but if you don’t reach for the stars, you are sure to fall short.”—ATJ Chairman Jim Sales



says. “We had some quick successes, but now we are really starting to see some of the benefits of raising this issue. Four years worth of building relationships is really starting to come into play.”

Led by the enthusiastic support of new Chief Justice Wallace B. Jefferson, who was sworn in as Chief last fall, the Supreme Court continues to play a leading role, along with the Texas Access to Justice Commission established by the Court in 2000. The Commission has formulated an ambitious five-year strategic plan emphasizing fundraising, corporate support, law school partnerships, pro bono participation, and rural delivery, which could help propel the state to still loftier heights.

Meanwhile, in Washington, D.C., Texas Senators Kay Bailey Hutchison and John Cornyn have joined a coalition of Senators who are making the case that the Legal Services Corporation deserves additional federal funding—even in today’s difficult budgetary environment. Success in that endeavor obviously would be welcomed by the three federally funded legal aid programs in the state: Texas Rural Legal Aid, Lone Star Legal Aid, and Legal Aid of NorthWest Texas.

“Making sure that we have access to the legal system for all people is the right goal, and Texas has done a good job of fulfilling that goal,” Hutchison says. “People who are in general familiar with the legal system know and appreciate the job that legal services does.”

One of the priority areas for Texas legal services providers has been helping the state’s more than 185,000 reported victims of domestic violence each year. On April 23, Texas First Lady Anita Perry and Attorney General Greg Abbott joined Justice O’Neill to unveil a new kit that will enable victims of domestic violence to file their own applications for protective orders when they are unable to secure a lawyer to assist them. The free, step-by-step protective order kit comes with detailed instructions for filling out the relevant paperwork, having a temporary order signed by a judge, and requesting a hearing date to grant the protective order. The kit also provides tips for victims

on how to prepare for the hearing. It is available online at [www.oag.state.tx.us](http://www.oag.state.tx.us)

Cornyn, during his time as Texas Attorney General, approved the expenditure of state dollars from the Crime Victims’ Compensation Fund to support legal services initiatives that help victims of domestic abuse. The Fund continues to disperse \$2.5 million annually to the Equal Access to Justice Foundation. More

recently, First Lady Perry has championed the role of legal aid in helping battered spouses end the cycle of violence.

“Domestic violence has serious repercussions for our society. Victims may not be able to afford health care or legal help, which may cause them to remain in the violent situation,” Perry says. The First Lady praises the role of legal aid in helping victims “obtain protection from abusive partners” but notes “these free programs cannot assist everyone who needs help; the need is unfortunately too great.”

## BY THE NUMBERS

**\$26.3** LSC funding in millions for Texas in 2005

**3.7** number, in millions, of poor Texans eligible for legal aid

## LESSONS IN LEADERSHIP

Texas has produced its share of memorable leaders over the years. Three of the last eight U.S. Presidents have hailed from Texas, while the state has produced many of the most powerful congressional leaders of the last half century. Musicians Janis Joplin, Buddy Holly, and Roy Orbison are all Texans, as are broadcasting legends Walter Cronkite and Dan Rather. Howard Hughes tempted fate and gravity to do things that no aviator has done before. He’s a son of Texas, too.

Equal justice leadership is best exerted collectively, and no group has been more influential in shaping Texas’ recent progress than its Supreme Court. In his first few months on the bench, Chief Justice Jefferson has repeatedly indicated his intention to make expanding access to justice a top priority of his Court. With pride in his voice, he says, “I can say today on

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# Senator Hutchison's Principled Stand

*Legal background compels Senate's highest-ranking woman to push for LSC increase* ■ by Eric Kleiman

Early last summer, as congressional leaders were emphasizing the importance of fiscal austerity in order to fund important homeland security and anti-terrorism priorities, a Senate majority wrote to request additional funding to address a domestic issue they could no longer ignore.

"Additional funds are clearly needed to see that the doors of justice are open to those in society who are unable to afford access to the legal system," wrote a bipartisan coalition of 52 Senators in a June 17 letter to the leaders of the Senate Appropriations Committee. These Senators went on the record in support of a four percent, or \$13.6 million, funding increase for the national legal services program. Their letter concluded, "Clearly, large numbers of Americans do not have access to the legal representation they need. Without this modest increase in federal funding, many more will be denied fair representation. We urge you to fund the Legal Services Corporation at no less than \$352.4 million to help meet this urgent need."

In the end, fiscal discipline ruled the day and no increase was approved. However, the letter was a clear indication of the bipartisan support that now exists for an active federal role in ensuring access to justice for low-income Americans.

Indeed, among the GOP signatories of the letter were both of the Senators from Texas, Kay Bailey Hutchison and John Cornyn, two leaders whose conservative credentials are beyond question. Their endorsement of LSC is the latest indication that support for legal services has begun to transcend party affiliation and political orientation.

"Senator Cornyn and I are lawyers," Senator Hutchison says. "We have had experience with the importance of providing access to justice. It was

steered \$5 million from the state's Crime Victims Compensation Fund to Texas legal services programs so they could better

assist victims of domestic violence—an unprecedented use of the Fund.

"There is broad public consensus supporting the provision of legal assistance to people who are victims of crime and domestic violence," Cornyn notes. "I think it is very smart to build a consensus agenda and leave out the controversial things because they undermine that important bipartisan support. Given the overwhelming need, I'm glad to see the focus is on core legal services."

Hutchison has been fully cognizant of the Legal Services Corporation's value to low-income families ever since she was approached by the Texas Bar Association not long after her historic swearing-in as Texas' first female Senator in 1994. She credits the Bar for making a passionate and persuasive case that LSC assistance was critical to low-income Texans who had no other way to obtain essential legal advice and assistance. The Bar's outreach reinforced her own positive experiences helping low-income clients as a student in the clinical program of the University of Texas School of Law and later as a private attorney doing indigent defense work.

Hutchison was re-elected to the Senate in a landslide in 2000, and then was elected Vice Chairman of the Republican Conference, making her the highest-ranking woman in the Senate. Today, she continues to



**"The President is trying to bring the deficit down, and we have to look at every program carefully. I think the Legal Services Corporation will come out well in that kind of scrutiny. The more we show how successful it is in helping people who don't have the capability to help themselves, the more of a priority we can make it."**

instilled in us in law school and beyond that we had a responsibility to make a contribution."

The Texas Senators' backing of an LSC funding increase can be traced back to 1995 and 1996, when Congress enacted a series of congressional reforms redefining what LSC-funded lawyers could and could not do. As a result, LSC stopped filing class action lawsuits, representing prisoners and most aliens, engaging in lobbying activities, collecting attorney's fees, and filing suits dealing with controversial issues like abortion and political redistricting. Instead, LSC instructed its grantees to focus exclusively on helping individual clients with critical, day-to-day legal problems.

"The Legal Services Corporation has done some very good things in the last 10 years," Senator Hutchison says. "Its leaders have really gotten better at determining what the proper role for legal services ought to be—and then doing the outreach to make sure they reach the people who need their services. Without the reforms, Legal Services would not have gotten the bipartisan support it has and perhaps would have faced some reprisals in Congress."

Senator Cornyn says LSC's willingness to build a consensus agenda was critical to gaining his support upon taking office in 2002. A former Texas Supreme Court Justice and state Attorney General, he already had a track record of intervening on behalf of legal aid programs committed to carrying out their core functions. While Attorney General, Cornyn

find compelling new reasons to champion legal services. "They're helping people from military families," she notes. "We particularly need to make sure we are helping the lower-income members of the military who might not have another way to get a lawyer."

Hutchison's continued support is especially important because she sits on the Senate Appropriations Subcommittee with funding authority over LSC. The key funding panel has a brand-new Chairman in Senator Richard Shelby (R-AL), and Hutchison promises that "I will be one of the advocates of LSC talking to him about the important role that it plays in fulfilling a need that must be filled. If we don't fill it, then people will not have access to courts and the representation that everyone deserves."

This spring, leaders of the American Bar Association will hold a number of meetings on the Hill with key appropriators like Senators Shelby and Hutchison to make the case for LSC's FY06 budget request of \$363.8 million, a \$33 million increase over FY05. Hutchison appears cautiously optimistic about LSC's prospects in what will be "a tough budget year, for sure," she says. "The President is trying to bring the deficit down, and we have to look at every program carefully. I think the Legal Services Corporation will come out well in that kind of scrutiny. The more we show how successful it is in helping people who don't have the capability to help themselves, the more of a priority we can make it. I will certainly lean toward supporting the higher figure and be supportive to the extent that I possibly can." ■




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behalf of a unanimous Supreme Court of Texas—which we know isn’t always possible here—that we’re all behind the concept of getting services to the people who can afford them the least. In the end, this means courts will be taking a leading role in protecting our Constitutional rights. We’ve got a pulpit to do this.”

During his State of the Judiciary Address in February, Chief Justice Jefferson focused on a sense of the possible. After all, he overcame access barriers of his own during his ascent up the judicial ranks, culminating in his selection as the first African-American to serve on the Supreme Court of Texas. Governor Perry appointed him Chief Justice in 2004. Jefferson devoted a substantial portion of his address to outlining the Court’s access to justice priorities. He also attempted to spark a dialogue among judges, challenging his brethren behind the bench to lead by example.

brother, Lamont Jefferson, is a commercial litigator at Haynes & Boone in San Antonio and current Board Chairman of Texas Rural Legal Aid.

Lamont has been very active in the Community Justice Program in San Antonio, where the local family court takes its show on the road every other week as part of a mobile outreach effort to assist low-income residents who cannot make it to court during the work week. At two outreach sites, the Carver Community Center and St. Mary’s University, dozens of low-income clients show up to have uncontested matters settled by the courts. Legal aid does the intake, attorneys give advice, clerks stamp and file documents, and Judges Phyllis Speedlin and Karen Pozza facilitate outcomes. Hundreds of cases have been closed. Lamont was so excited about the project that he brought his brother along to observe. “I’m thoroughly



**“I think a lot of it has to do with the people we are sending to Washington—people like Al Gonzalez, who is a former Texas Supreme Court Justice. I think we have been in a position to see the tremendous need and usefulness of legal services to people who have nowhere else to turn. So I think that’s part of it. And I think that maybe Texas is a little more enlightened than some people give us credit for.” —U.S. Senator John Cornyn (R-TX)**

Judges, he says, are the system’s best hope to reconnect citizens to a complicated system that many feel no longer protects them.

Quoting a single line of Scripture, reminiscent of Dr. Martin Luther King, Jr., the Chief Justice called upon the better angels of our leaders “to aspire to the imperatives of Amos, to ‘let justice flow down as the waters and righteousness as a mighty stream.’”

Jefferson has been an enthusiastic supporter of equal justice efforts since accepting his first pro bono case through the San Antonio Young Lawyers Association early in his career. His client was a woman who had lost contact with her husband many years ago. She had fallen in love and wanted to marry again. Jefferson tracked down the estranged husband, confirmed the divorce was uncontested, and then accompanied his client to court to complete the process.

“The look of appreciation on her face was just incredible for me,” Jefferson says. “She knew there was no way she could have done it on her own. Getting this basic assistance permitted her to move on with her life and be happy again. You don’t get that sort of satisfaction when you win a case for a corporation. It just doesn’t feel the same as when you know you’ve accomplished something that aids humanity.”

A belief in creating a more just society runs in the Jefferson family, where equal justice is a frequent dinner-table conversation at family meals. The Chief Justice’s

impressed with how it works,” the Chief Justice says. “To have judges actually there to sign orders and reporters there to take testimony—I think it’s a brilliant idea.”

## FORWARD LOOKING

Justice O’Neill took over as the Court’s legal services liaison in 2003 and persuaded highly respected Houston attorney Jim Sales to follow El Paso’s John Jones as Chairman of the Texas Access to Justice Commission. Sales, a semi-retired senior partner with Fulbright & Jaworski in Houston, established himself as one of the state’s leading corporate litigators in 45 years at Fulbright & Jaworski, the final 20 as head of the firm’s litigation department. Sales accepted the Commission post only after arranging a meeting with the full Court to get each Justice’s assurance that they were fully committed to his multi-pronged agenda.

“The Commission was created to provide leadership to the whole access to justice community, and it has done that,” says Emily Jones, who works double duty as Director of the Commission and Texas Lawyers Care, the state’s pro bono support program. “I really do think it has created a lot of energy and optimism around here. Not that we don’t have our disagreements; we do. But we are really moving forward together at an impressive pace.”

Sales, who started the Houston Volunteer Lawyers Project while Houston Bar Association President in 1981, assumed the Commission

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# Texas Justices: 'Court Should Lead The Way'

*In a March 31st interview with Texas Chief Justice Wallace B. Jefferson and Justice Harriet O'Neill, the Supreme Court of Texas' legal services liaison, EQUAL JUSTICE MAGAZINE Editor Eric Kleiman asked the Justices about Texas' rapid evolution as a leader in the movement to expand access to the civil justice system.*

**Equal Justice Magazine:** Justice O'Neill, you were on the bench in 2000 when the Supreme Court held its first of two hearings on the state of legal services in Texas. Was that an awakening for the Justices as to the challenges the state's legal services providers are facing?

**Justice Harriet O'Neill:** It's important to emphasize that access to justice for the poor is really a societal problem; it's not a legal problem. But lawyers can lead the way, and the Court should lead the way as well.

The reason for the first hearing was to build on what our predecessors had done and see if the Court could take a more intense leadership role. One of the problems that we heard in the initial hearing was that, while a lot of the programs worked very well, there was a synergy that wasn't being tapped. So the Court started going on the road to hear argument in different areas. As we did that we would visit different legal aid constructs in the various courthouses and learn a lot of good ideas that we thought should be shared among the different providers. We also decided that providing some sort of umbrella organization like the Texas Access to Justice Commission could help coordinate these efforts.

**EJM:** Since that time, do you feel there has been a growing recognition that Texas is now a national leader on the issue of equal justice?

**Chief Justice Wallace B. Jefferson:** There's been a commitment to access to justice for decades on the Supreme Court of Texas. I don't go back that far, but one of the early Chief Justices was Jack Pope, who was very instrumental in forming the IOLTA program in Texas. So when you have that kind of leadership early on, and then invite the community and the bar to be part of it, you can't go wrong.

**EJM:** What should the role of a state supreme court be, and more specifically, what should the role of a Chief Justice be in promoting access to justice?

**Jefferson:** The Court's role should be an active one. After all, we're in the business of administering justice. I can say this on behalf of a unanimous Court—which isn't always possible here—that all of us are behind the concept of getting services to the people who can least

structured and operates more like a business plan, so support so won't wax and wane.

**Jefferson:** I think judges are incredibly important symbols of access to justice. I *don't* think it necessarily works for judges to strong-arm people. But if you have, as we do in Texas, lawyers willing to give of their time freely...if they want to do it and know that the judges are behind them and are supporting them, then they are much more likely to get involved at a high level. We've traveled around the state, and lawyers are answering the call. I think that's in large measure due to the support of judges throughout the state.

**EJM:** Some have said that trial judges have a particularly difficult task in bringing about equal justice, having to both remain impartial while still trying to promote the idea of unrepresented parties having a fair chance. How can a judge use his office to ensure justice for all without stepping over the line?

**Jefferson:** Judges all have to concern themselves with that. There are codes of judicial conduct that regulate what judges can or can't do in terms of using their office for other purposes. That being said, I don't think it is inconsistent with any of our canons or ethics to encourage the participation of lawyers and even other judges to help out those in our society that most need legal help but can least afford it.

**EJM:** Is this an issue that has been raised at the Conference of Chief Justices? What are the Chiefs doing on the access-to-justice front?

**Jefferson:** I'm a brand-new Chief Justice and just attended my first conference. We didn't have a special program on that, but we did talk about it. The Chiefs meet in regional meetings and over dinner, and I had many questions asked about how we go about providing services in Texas. So I know it's on many of the individual Chief Justices' minds.

**EJM:** Can you talk a little about the Court's relationship with the Texas legislature on this issue? Is there an ongoing education of the legislature in terms of the resource crisis that legal services programs face? There seems to be an understanding that legal services work is important, but sometimes funding doesn't follow.

**"Texas is a unique place. We don't necessarily march to the beat of anyone's drummer. There's a history here of the judiciary getting involved. When you have a culture like that over a number of years, politics doesn't come into play in diverting us from our path. I hope that other states will be able to use our example." —Texas Chief Justice Wallace B. Jefferson**

afford them. In the end, that means protecting our Constitutional rights. So the Court can perform a leading role. We've got a pulpit, in a sense, to do this.

**EJM:** Right. Because in some states, it seems no single group really steps forward to take leadership, and access to justice sort of falls through the cracks. Do you feel it's the judiciary's particular responsibility to marshal resources and spark a statewide movement?

**O'Neill:** Yes, I do think Courts should lead in this regard. We implemented a strategic plan as a way to try to institutionalize support for legal services so that it doesn't depend upon various commitment levels of judges as they come on and off the Court. My goal in pushing for the strategic plan was to get a "playbook" for future judges that is

**O'Neill:** The legislature has been very helpful. When we've gone to them to ask for things that we've needed, they've been very open. It's a constant challenge to keep the channels of communication open. I'm very involved in speaking with members of the legislature, and I come to Washington every year for Law Day to educate our lawmakers at the national level. They're always pleased to see that legal aid organizations are of great value in their districts. I think they see [legal services] more as a resource, rather than a government-supported program so much. I think they see it as a real win-win situation.

**EJM:** Chief Justice Jefferson, you addressed the Texas legislature recently on the State of the Judiciary and dedicated a major section of your speech to access to justice. How was that received?

**Jefferson:** I think it was received well. I got positive comments from both senators and representatives. So I am very optimistic that we will continue a good relationship with the legislature. Now obviously, and this is going on in other states, there are many demands on taxpayer money. The legislature is struggling with that right now in Texas. We've got questions of funding on school finance, on teachers, on judges; there are many people coming to the legislature for help. That being said, they understand the need, they appreciate this Court's leadership, and we've been talking to them about the fact that we have many volunteer lawyers out there who have been giving their time freely as part of their public service. I think the legislature is going to be helpful in this session and in the near future.

**EJM:** Justice O'Neill, what have been your proudest achievements advocating for this cause?

**O'Neill:** When the Commission was begun, John Jones—who has been a leader in the El Paso legal community for a long time—worked very hard to create and shape a statewide approach. I would have to say that perhaps one of my greatest contributions to access to justice was in locating Jim Sales to take his place. Jim had served on the Commission for quite a while. He is a partner at Fulbright & Jaworski in Houston, and he has hit the ground running. He has brought a level of energy and commitment that has just been terrific.

One other thing that we're quite proud of is the task force the Supreme Court appointed to look into domestic violence issues. Specifically, with Texas being so big, and with so many different judges in different areas, we found that courts were treating protective orders for victims of domestic violence in a variety of different ways. The task force was formed to study the issue and determine if we could come up with a more uniform and user-friendly procedure. Volunteer lawyers, family lawyers, professors, and experts from across the state came together and assembled a series of forms that will allow those who can't afford a lawyer to represent themselves. It really is a tremendous accomplishment. Not only will *pro se* litigants be able to protect themselves, but lawyers at legal aid can use these forms. Applicants can go to our website to access the forms and get help filling them out. Hopefully, lawyers in private practice who might shy away from representing a domestic violence victim because of fears of not knowing how to do it may be more willing to help.

**EJM:** In closing, I would like to ask a question about politics. Texas is a Republican-dominated state, even though the conventional wisdom of the past may have been that support for legal services is more likely found among Democrats. Yet Texas seems to refute that idea. How has your state been so successful in turning access to justice into a bipartisan issue?

**O'Neill:** One of the keys has been finding common ground. Legal aid has evolved, as well. It used to be there were no restrictions or relatively slight restrictions in how funding could be used. I think there was a feeling that some of it was used inappropriately, perhaps to fund suits that were more appropriately handled by the private bar. I do think that with the finding of common ground—what everyone can agree that funds should go to—we've found a much broader base of support.

**Jefferson:** Texas is a unique place. We don't necessarily march to the beat of anyone's drummer. There's just been a history here of the judiciary being involved in the delivery of legal services to those who can't afford representation. I guess when you have a culture like that, politics doesn't really come into play in diverting us from our path. I hope that other states will be able to use our example. But I can assure you that with the commitment we have here, it's not going to wane anytime in the near future, or ever, I think. ■

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Chairmanship on June 1, 2004. His first order of business was to sit down with O'Neill to develop a five-year strategic plan outlining the Commission's goals. O'Neill calls the plan a "playbook" that will allow Texas to "institutionalize support for legal services in the future so that it doesn't depend on the various commitment levels of judges who come on and off the Court. It should be more like a business plan so support won't wax and wane," she says.

Sales, the picture of youth at 70, has set some serious fundraising goals. He hopes to create a legal services endowment of between \$15 and \$20 million over a five-year period. "It may be a bit ambitious," he confesses, "but if you don't reach for the stars, you know you are going to fall short." Sales has formed a blue ribbon committee to



**"We have a strong awareness of our roots and therefore an appreciation for the rule of law and how it can advance society."**

*—TRLA Chairman Lamont Jefferson*



develop recommendations in going forward. "It's a societal problem," he says. "Eventually, society is going to have to figure out how to help us fund this. Until then, we're taking a broad-based approach with private foundations, law firms, and big and small corporations."

Sales also has plans to get leading corporate lawyers more involved and has already assembled a committee of 18 general counsels from U.S. corporations chaired by ExxonMobil General Counsel Charles Matthews. Other corporations represented include Royal Dutch Shell, Temple-Inland, and Blue Cross/Blue Shield. Sales calls lawyers in general counsel offices "one of the greatest untapped resources in the state. There are so many lawyers in these offices, and they are not organized or involved in any way in delivering legal services."

Greater engagement of Texas' nine accredited law schools is another Commission priority. Sales has assembled a dean's advisory group with the hope of recruiting more third-year law students to do pro bono work. Last fall, University of Texas School of Law and Baylor University School of Law each created special equal justice scholarships to foot the entire law-school bill for students who have decided on pursuing legal aid careers. Meanwhile, the Texas Bar Association has endowed a student loan repayment assistance program to be administered by the Texas Bar Foundation. This year, the Bar will contribute \$100,000, which will forgive 24 lawyers as much as \$400 a month in education expenses.

Finally, the Commission plans to tackle the problem of delivering legal services to rural

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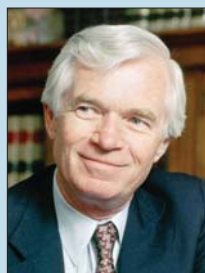
# New Leaders Assume Congressional Posts Important To LSC

*As the 109th Congress convened this past winter, a number of committee chairmen and ranking members received promotions as a result of GOP term-limit rules, retirements, and the consolidation and restructuring of Appropriations subcommittees in the Senate and House. The shake-up means that six new leaders—some Republicans, some Democrats—have been selected to fill positions charged with funding and overseeing the work of the Legal Services Corporation and its grantees.* ■ by Sean Driscoll

## Senator Thad Cochran (R-MS)

### Chairman, Senate Appropriations Committee

The first Republican elected statewide in Mississippi since



Reconstruction, Senator Cochran in his 26 years in the Senate has proven himself to be the quintessential insider and power-broker. Senator Cochran assumed the Chairmanship of the Appropriations Committee from a legal services supporter, Senator Ted Stevens (R-AK), who handed over the Appropriations gavel because of term limitations Republicans now place on their committee leaders. Earlier in his career, Cochran was a practicing attorney with a demonstrated commitment to increasing access to justice. He chaired the legal services program of

the Junior Bar in Jackson, Miss. He also presided over the Mississippi Bar Association's Young Lawyers Division, which teamed with the Mississippi Volunteer Lawyers Project to coordinate pro bono representation for the poor.

## Senator Richard C. Shelby (R-AL)

### Chairman, Subcommittee on Commerce, Justice and Science

The new chairman of the Senate Appropriations subcommittee with funding authority over LSC is known for his independent streak. First



elected to the Senate in 1986 after eight years in the House of Representatives, Shelby has been a zealous defender of consumer rights, leading federal efforts to crack down on predatory lending. He also authored the law that makes it a federal crime for parents to cross state lines to avoid paying child support. Shelby began his career by combining government service with the law, serving as a city prosecutor in Tuscaloosa, U.S. Magistrate for the northern district of Alabama, and special assistant to the Alabama Attorney General. More recently, Shelby

supported a 2003 fundraiser to help Alabama's legal aid programs, contributing a dove recipe to a cookbook produced by the Alabama State Bar Volunteer Lawyers Project called "May It Please the Palate."

## Senator Barbara A. Mikulski (D-MD)

### Ranking Member, Subcommittee on Commerce, Justice and Science

In the wake of the reorganization of the number and jurisdictions of the Appropriations subcommittees, Senator Mikulski emerged as the ranking



Democrat on the revamped Commerce, Justice and Science subcommittee. Maryland's junior Senator commands a considerable presence in the legislature's upper chamber. Mikulski was first elected to Congress in 1976 and a decade later won her Senate seat. Before entering politics she was a social worker counseling at-risk kids in Baltimore. Today, she is the dean of the Senate women and, in addition to her position on Appropriations, is a senior member of the Health, Education, Labor and Pensions Committee, which has oversight jurisdiction over

LSC. During her long career in Congress, Mikulski has consistently supported LSC, most recently signing a Fiscal Year 2005 letter supporting a \$13.6 million increase in federal funding for legal services.

## Senator Michael B. Enzi (R-WY)

### Chairman, Senate Health, Education, Labor and Pensions Committee

Wyoming's junior senator is the new Chairman of the Senate Committee on Health, Education, Labor and Pensions (HELP) that oversees LSC.



Enzi has served on the HELP panel since arriving in Washington in 1997. He is the Senate's only accountant, as well as having been a small-business owner and state legislator before his election to Congress. During his more than eight years in the Senate, Enzi has helped reauthorize the Workforce Investment Act to create a streamlined job training system for employers and workers. He has formed the Rural Education Caucus to ensure that small schools in remote areas are not overlooked in the federal education debate. He also has authored legislation to reform America's medical justice system. Janet Millard, executive director of LSC-funded Wyoming Legal Services, says Enzi has intervened on the program's behalf in the past. She believes his Chairmanship will be a positive development for those concerned with improving access to justice for the poor.

## Representative Jerry Lewis (R-CA)

### Chairman, House Appropriations Committee

When term limits created a vacancy atop the House committee that



controls all appropriated funds, House leaders turned to a veteran appropriator who previously led the Defense Appropriations and the VA-HUD-Independent Agencies Appropriations Subcommittees. Lewis, a member of Congress since 1978, is a fiscal conservative who has shown a willingness to shoot down federal spending that he views as wasteful, including military pet projects that consistently ran over budget. Like his counterpart in the Senate, Lewis is viewed as an insider more interested in reaching agreements and passing legislation than in seeking publicity.

## Representative Alan B. Mollohan (D-WV)

### Ranking Member, Subcommittee on Science, State, Justice and Commerce and Related Agencies

When the Republicans took control of Congress during the 1994 midterm elections, it ended Mollohan's brief, eight-month run as



Chairman of LSC's funding subcommittee. As a result of the consolidation of House Appropriations subcommittees, Mollohan returns as the top Democrat on LSC's appropriations panel, which has been renamed the Science, State, Justice and Commerce Subcommittee. Mollohan has a record of success when it comes to averting funding cuts for legal services, successfully sponsoring a 1997 amendment on the House floor to restore \$109 million in LSC funding that had been cut by the House Appropriations Committee. Mollohan is an attorney, having worked in private practice before his election to Congress in 1983.



**“Texas has a very fair judiciary. We’re a state that has really given our country some great legal minds. Making sure that we have access to the legal system for all people is the right goal, and Texas has done a good job of fulfilling that goal.” —U.S. Senator Kay Bailey Hutchison (R-TX)**



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towns that, in Sales’ words, are “are under-populated with lawyers and over-populated with low-income Texans.” To address this problem, he hopes to set up a task force composed of the chairs of the State Bar of Texas sections most involved in legal services areas—such as family law; litigation; consumer law; health law; bankruptcy; and real estate, probate, and trusts—as well as representatives from groups like Texas Young Lawyers and the Texas Trial Lawyers Association.

“We’re all part of the profession,” Sales says. “We have a moral, ethical, and in my view, even a legal responsibility

to do this work as lawyers.”

Chief Justice Jefferson concurs. “Texas is a unique place. We don’t necessarily march to the beat of anyone’s drummer. There’s just been a history here of the judiciary being involved in the delivery of legal services. I guess when you have a culture like that over a number of years, politics doesn’t really come into play in diverting us from our path. I hope that other states will be able to use our example. But I can assure you that with the commitment we have here, it’s not going to wane anytime in the near future—or ever, I think.” ■



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